

The Indian Ports Bill.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART II.—MADRAS PRESIDENCY—continued.

Name of port		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
Eastern Group.				
	Port.			
			<i>Foreign Vessels.</i>	
Gan.	1. Gopalpur ...	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	2. Baruva ...			
	3. Calingapatam ...			
Vizagapatam.	4. Konada ...		(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.	The due is payable on each entry into the port.
	5. Bimlipatam ...			
	6. Vizagapatam ...			
	7. Pudimadaka ...			
Godavari.	8. Pentakota ...		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	9. Uppada ...			
	10. Cocanada ...			
	11. Coringa ...			
Kistna.	12. Bendamurlanka ...		(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
	13. Narsapur ...			
	14. Perupalem ...			
	15. Masulipatam ...			
Nellore.	16. Penumudi ...		<i>Coasting Vessels.</i>	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
	17. Morutota ...			
	18. Nagayalanka ...			
	19. Kottapalem ...			
Chinglepat.	20. Gangadipalem ...		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other in the group.
	21. Nizampatnam ...			
	22. Ipurupalem ...			
	23. Bodduvanipalem ...			
	24. Motupalle ...		(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	
	25. Kanuparti ...			
	26. Kottapatnam ...			
	27. Itamukkala ...			
	28. Pakala ...			
	29. Karedu ...			
	30. Ramayapatnam ...			
	31. Chennayyapalem ...			
	32. Tummalapenta ...			
	33. Juvaladinne ...			
	34. Iskapalle ...			
	35. Ponnepudi ...			
	36. Maipadu ...			
	37. Kistnapatnam ...			
	38. Pamanji ...			
	39. Tupili ...			
	40. Dugarazpatnam ...			
	41. Pudi ...			
	42. Covelong ...			

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4	5
<i>Eastern Group—contd.</i>				
District.	Port.			
<i>Foreign Vessels.</i>				
South Arcot.	43. Cuddalore ...		(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	44. Porto Novo ...			
	45. Thandavarayasola-ganpettai.			
Tanjore.	46. Tirumalavasal ...		(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton.	The due is payable on each entry into the port.
	47. Tranquebar ...			
	48. Nagore ...			
	49. Negapatnam ...			
	50. Velankani ...			
	51. Toppaturai ...			
	52. Point Calimere ...			
	53. Mutupet ...			
	54. Adirampatnam ...			
	55. Gopalapatnam ...			
Madurai.	56. Kattumavadi ...		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	57. Krishnajiapatnam ...			
	58. Ammapatnam ...			
	59. Kottaiapatnam ...			
	60. Sundarapandiapatnam.			
	61. Pasipatnam ...			
	62. Damodarapatnam ...			
	63. Tondi ...			
	64. Nambitalai ...			
	65. Pudupatnam ...			
Tinnevely.	66. Karangadu ...		(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
	67. Tirappalankudi ...			
	68. Devipatnam ...			
	69. Mudiyapatnam ...			
	70. Attankarai ...			
	71. Emanangundu ...			
	72. Pillaimadam ...			
	73. Pamban ...			
	74. Alagayankolam ...			
	75. Ramesvaram ...			
Tinnevely.	76. Mandapam ...		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
	77. Vedalai ...			
	78. Muttupettai ...			
	79. Kilakarai ...			
	80. Ervadi ...			
	81. Valinokkam ...			
	82. Vaippar ...		(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
Tinnevely.	83. Tuticorin ...			
	84. Overy ...			
	85. Vembar ...			
	86. Kayalpatnam ...			
	87. Kulasekharapatnam			

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART II.—MADRAS PRESIDENCY—continued.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
<i>Western Group.</i>				
District.	Port.	<i>Foreign Vessels.</i>		
Malabar.			(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	88. Cochin	...	(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
	89. Arcupuram	...		
	90. Kulkuyi	...		
	91. Madayi	...		
	92. Attakuri	...		
	93. Chavakad	...		
	94. Veliyangod	...		
	95. Panani	...		
	96. Kuttayi	...		
	97. Parapanna	...		
	98. Tanur	...	(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	99. Parpanangadi	...		
	100. Kadalvandi	...		
	101. Beypore	...		
	102. Ferokh	...		
	103. Molakkadava	...		
	104. Calicut	...		
	105. Pudiyanagadi	...		
	106. Ellatturu	...		
	107. Kappatta	...		
	108. Quilandi	...		
	109. Kollam	...		
	110. Kadalura	...	(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
	111. Trikodi	...		
	112. Kottakkal	...		
	113. Badagara	...		
	114. Muttankal	...		
	115. Chompayi	...		
	116. Kallayi	...		
	117. Talayi	...		
	118. Tellicherry	...		
	119. Dharmapatnam	...		
	120. Ezhara	...		
	121. Cannanore	...		
	122. Thekkumbagam	...		
	123. Pudiyanagadi	...		
	124. Palapatnam (Bailapatnam).	...	(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
	125. Ettikulam	...		
	126. Kavvayi	...	(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART II.—MADRAS PRESIDENCY—concluded.

Name of port.		Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
<i>Western Group—contd.</i>				
District.	Port.	<i>Foreign Vessels.</i>		
South Canara.	127. Hoadrug ...	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	128. Baikal ...			
	129. Kasaragod ...			
	130. Kumbale ...			
	131. Manjevara ...		(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton.	The due is payable on each entry into the port.
	132. Mangalore ...			
	133. Mulki ...			
	134. Padubidri ...		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	135. Ermala ...			
	136. Uchhila ...			
	137. Kaph ...			
	138. Udiyavara ...		(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
	139. Malpé ...			
	140. Barkur or Hangarakatta.			
	141. Coondapoor ...		<i>Coasting Vessels.</i>	
	142. Nyakinakatte (Nayakkan-kottai).		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
	143. Baindur ...			
	144. Siruru ...		(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.

*Explanations to Part II of the First Schedule.**Explanation 1.—In this Part of the schedule—*

- (a) "ship" means a sailing vessel, and "steamer" a steam-vessel;
 (b) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port in the island of Ceylon or any part of India, between the westernmost part of Sind and the south-eastern most part of Burma; and "coasting steamer" includes a coasting steam-vessel having a general pass under section 164 of the Sea Customs Act, 1878;
 (c) "foreign ship" or "foreign steamer" means respectively a ship or steamer not being a coasting ship or coasting steamer;

VIII of 1878

[Act V of 1903, s. 4.] Provided that, for the purpose of the levy of port-dues, a vessel shall not be deemed, during one and the same voyage, to be both a coasting ship or steamer and a foreign ship or steamer, but port-dues shall, in respect of such voyage, be leviable on such vessel either as a coasting or as a foreign ship or steamer, whichever rate is the higher.

*Explanation 2.—*As regards the levy of port-dues, each of the following pairs of ports, namely, Coçanada and Coringa, Nagore and Negapatam, Beypore and Calicut, is to be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one or any of the said pairs being exempted from the dues on entering the other of the same pair immediately after leaving the one in which the dues were charged and taken.

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART III.—BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Bombay	Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding four annas per ton.	Once in the same month.
	Tug-steamers, ferry-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th June, and once between the 1st July and 31st December, in each year.
<i>Northern Group of Ports—</i>			
1. Gogha	Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Dholerā (<i>Whittis Bandar</i>)			
3. Tankāri			
4. Dehegām			
5. Kavi			
6. Dehej			
7. Broach			
8. Bhagwā			
9. Surāt			
10. Matwād			
11. Balsār			
12. Umarsādi			
13. Kolak			
14. Kalāi			
15. Maroli			
16. Umbargam...			
17. Gholwad			
18. Dāhānu Creek			
19. Tārāpur			
20. Olivārā Navāpur			
21. Sātpāti Creek			
22. Māhim (Kelva)			
23. Kelva			
24. Dantlora			
25. Arnāla			

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART III.—BOMBAY PRESIDENCY—continued.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
<i>Southern Group of Ports—</i>			
1. Bāndra ...	} Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding three annas per ton : provided that a coasting steamer whenever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs, and an addition of one-half of such highest rate.	Once in thirty days at the same port : provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Vesāva ...			
3. Manori ...			
4. Utan ...			
5. Basscin ...			
6. Bhiwādi ...			
7. Kalyan ...			
8. Thāna ...			
9. Trombay ...			
10. Panvel ...			
11. Karanjā ...			
12. Thal ...			
13. Alibāg ...			
14. Revdandā ...			
15. Mandād ...			
16. Bankot ...			
17. Kelshi ...			
18. Harnai ...			
19. Borya ...			
20. Jaygad ...			
21. Varavdā ...			
22. Ratnagiri ...			
23. Purangad ...			
24. Jaytāpur ...			
25. Vijaydurg ...			
26. Devgad ...			
27. Achra ...			
28. Mālwān ...			
29. Nivti ...			
30. Vengurla ...			
31. Rēdi ...			
32. Karwār, including Baitkhol.			
33. Chendya ...			
34. Ankolā ...			
35. Gangāvali ...			
36. Tadri ...			
37. Kumptā ...			
38. Honāwar ...			
39. Murdeshwar ...			
40. Shirāl ...			
41. Bhatkal ...			
42. Mahul ...			
43. Mora ...			
44. Dabhol ...			
45. Kirnapani ...			
46. Tilmoti ...			
47. Sadashingad ...			
48. Bingsi ...			
49. Belākeri ...			
50. Manki ...			

*The Indian Ports Bill.**(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)*

PART III.—BOMBAY PRESIDENCY—concluded.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Karachi ...	Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding four annas per ton.	Once in three months.
	Tug-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Aden ...	Sea-going vessels of ten tons and upwards.	Not exceeding three annas per ton.	Once a month.

PART IV.—BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Rangoon ...	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Kyauk-l'hyu ...	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Once in sixty days.
Akyab ...	Ditto ditto ...	Ditto ...	Ditto.
Bassein ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ...	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Tavoy ...	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Mergui ...	Ditto ...	Ditto ...	Ditto.

*The Indian Ports Bill.**(The Second Schedule.—Enactments repealed.)*

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 70.)

Year,	No.	Short title or subject.	Extent of repeal.
1889	X	The Indian Ports Act, 1889	So much as is unrepealed.
1891	V	The Indian Ports Act, 1891	The whole.
1894	II	The Indian Ports Act (1889) Amendment Act, 1894.	Ditto.
1896	IV	The Indian Ports Act (1889) Amendment Act, 1896.	Ditto.
1901	III	The Indian Ports Act, 1901	Ditto.
1903	V	The Indian Ports (Amendment) Act, 1903.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

1. This is a pure consolidating Bill. The Indian Ports Act, 1889, has been amended by no less than five other Acts. The object of the present Bill is to collect the provisions of these six Acts and to incorporate them in one Act. The result will be that the law will be more easily ascertainable and that one Act will take the place of six on the Statute-book.

2. The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the existing Act. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1889 has been preserved.

3. The only clause which in any way alters the law as at present in force is clause 43 (b). That clause corresponds to section 43 (b) of the Act, which enacts that the owner or master of a vessel must pay all expenses, required by section 228 of the Merchant Shipping Act, 1854 (17 & 18 Vict., c. 104), to be borne by him, before the grant of a port-clearance. The Statute of 1854 has been repealed by the present Merchant Shipping Act, 1894 (57 & 58 Vict., cap. 60), section 207 of which makes the owner or master liable to pay a further item of expense in addition to the items mentioned in the corresponding section (228) of the repealed Statute. The substitution of section 207 of the existing Statute for the reference to the repealed Statute makes the scope of clause 43 (b) of the Bill slightly wider than that of the corresponding provision of the existing Act. This is, however, in accordance with the spirit of the existing enactment.

4. The Act has been withdrawn from certain ports mentioned in the first schedule, while certain new ports have been brought under its operation. The schedule has been amended accordingly.

5. A table showing the disposal of the sections of the Acts is annexed.

The 22nd July 1908.

H. ERLE RICHARDS.

Table showing disposal of sections of Act X of 1889 and of the amending enactments.

Sections of Act.	Clause of Bill.	Remarks.
<i>Act X of 1889</i> —1 (1), (3), (5) ...	1	
1 (2) ...	Omitted ...	The consolidating Act will come into force at once.
1 (4) ...	2	
2 (1) ...	Cf. 70	
2 (2) ...	Omitted ...	See General Clauses Act, 1897, section 24.
2 (3) ...	Do. ...	See General Clauses Act, 1897, section 8.
3 to 4B ...	3 to 4B	
49 (1), (2), (3), (4) ...	49	
49 (5) ...	Omitted ...	See General Clauses Act, 1897, section 21.
50 to 65 ...	50 to 65.	
66 ...	Omitted ...	Spent—see General Clauses Act, 1897, section 6 (b).
67 to 70 ...	66 to 69.	
<i>Act V of 1891</i> —1 ...	See 6 (1) (a).	
2 ...	Omitted ...	It saved past rules; unnecessary: See General Clauses Act, 1897, section 6.
3 ...	Ditto ...	Unnecessary.
<i>Act II of 1894</i> —1 ...	See Schedule I, Part I, entry in the fourth column against Balasore Ports.	
<i>Act IV of 1896</i> —1 ...	See 6(1) (g).	
<i>Act III of 1901</i> —1 ...	Omitted ...	Short title and commencement.
2 ...	See 6 (1) (p); 6 (3), (4).	
3 ...	Omitted ...	Repealing the Indian Quarantine Act, 1870.
<i>Act V of 1903</i> —1 ...	Ditto ...	Short title and commencement.
2 ...	See 47, 48.	
3 ...	See Schedule I, Part I, first entry in fourth column.	
4 ...	See Schedule I, Part II, Explanation 1.	

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th August, 1908 :

No. 10 of 1908.

THE INDIAN REGISTRATION BILL.

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CLAUSES.

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THE SCHEDULE.—REPEAL OF ENACTMENTS.

A Bill to consolidate the enactments relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Indian Registration Act, 1908.
Short title and extent.
- (2) It extends to the whole of British India, except such districts or tracts of country as the Local Government may, with the previous sanction of the Governor General in Council, exclude from its operation.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "addition" means the place of residence, and the profession, trade, rank and title (if any)

of a person described, and, in the case of a Native of India, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:

(2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

(3) "district" and "sub-district" respectively mean a district and sub-district formed under this Act:

(4) "District Court" includes the High Court in its ordinary original civil jurisdiction:

(5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

(6) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass:

(7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease:

(8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority:

(9) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property: and

(10) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

3. The Local Government shall appoint an Inspector General of Registration. [a. 4, para. 1, 2]
officer to be the Inspector General of Registration for the territories subject to such Government:

Provided that the Local Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government appoints in this behalf.

4. (1) The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred. [a. 4, para. 4]

(2) Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

The bracketed marginal references indicate the corresponding provisions of existing Acts; where no Act is mentioned, the reference is to Act III of 1877.

[a. 3]

*The Indian Registration Bill.**(Part II.—Of the Registration-establishment.)*

[a. 3.] 5. (1) For the purposes of this Act, the Local Districts and sub-districts. Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

(3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

[a. 4.] 6. The Local Government may appoint such Registrars and Sub-Registrars. persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively

[a. 7.] 7. (1) The Local Government shall establish in every district an office of Registrar and in every sub-district an office of Sub-Registrar. to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar, or the offices of the Joint Sub-Registrars.

(2) The Local Government may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

[a. 8.] 8. (1) The Local Government may also appoint Inspectors of Registration. officers to be called Inspectors of Registration-offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector General.

[a. 9.] 9. Every military cantonment may (if the Military cantonments. Local Government so may be declared sub-districts or districts. directs) be, for the purposes of this Act, a sub-district or a district, and the Cantonment Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be.

[a. 10.] 10. (1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the Local Government fills up the vacancy.

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the

Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

[a. 11.] 11. When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

[a. 12.] 12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

[a. 13.] 13. (1) All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector General.

(2) Such report shall be either special or general, as the Local Government directs.

(3) The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

[a. 14.] 14. (1) Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

(2) The Local Government may allow proper establishments for the several offices under this Act.

[a. 15.] 15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of the Registrar (or of the Sub-Registrar) of "

[a. 16.] 16. (1) The Local Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

*The Indian Registration Bill.**(Part III.—Of Registrable Documents.)*

PART III.

OF REGISTRABLE DOCUMENTS.

[s. 17.]

17. (1) The following documents shall be re-

Documents of which registration is compulsory. registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act came or comes into force, namely:—

- (a) instruments of gift of immoveable property;
- (b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (d) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Provided that the Local Government may, by order published in the local official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

(a) Nothing in clauses (b) and (c) of sub-section (1) applies to—

- (i) any composition-deed; or
- (ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property; or
- (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or
- (iv) any endorsement upon or transfer of any debenture issued by any such Company; or
- (v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare,

assign, limit or extinguish any such right, title or interest; or

(vi) any decree or order of a Court and any award; or

(vii) any grant of immoveable property by Government; or

(viii) any instrument of partition made by a Revenue-officer; or

(ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883; or

(x) any order granting a loan under the Agriculturists' Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; or

(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or

(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue officer.

(j) Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

18. Any of the following documents may be Documents of which registration is optional. registered under this Act, namely:—

(a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property;

(b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(c) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17;

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property;

(e) wills; and

(f) all other documents not required by section 17 to be registered.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in

XX of 1866.
VII of 1871.
III of 1877.

[Act VII of
1866, s. 2.]

[s. 18.]

[s. 19.]

The Indian Registration Bill.

(Part III.—Of Registrable Documents. Part IV.—Of the Time of Presentation. Part V.—Of the Place of Registration.)

the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

[s. 20.]

20. (1) The registering officer may in his discretion refuse to accept Documents containing interlineations, blanks, erasures or alterations. for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

[s. 21.]

21. (1) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

[s. 22.]
[Act XVII of 1899, s. 2.]

22. (1) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

PART IV.

OF THE TIME OF PRESENTATION.

[s. 23, paras. 1, 2.]

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

pose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

24. Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

25. (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

26. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

- (a) that the instrument was so executed, and
- (b) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V.

OF THE PLACE OF REGISTRATION.

28. Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) and (d), and section 18, clauses (a), (b) and (c), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

29. (1) Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under

*The Indian Registration Bill.**(Part V.—Of the Place of Registration. Part VI.—Of Presenting Documents for Registration.)*

the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

30. (1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

(2) The Registrar of a district including a Presidency-town and the Registrar of the Lahore District may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such person, or
- (c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

33. (1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

- (a) if the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

- (b) if the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate;

- (c) if the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of His Majesty or of the Government of India:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:—

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in Court.

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. (1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

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(Part VI.—Of Presenting Documents for Registration. Part VII.—Of Enforcing the Appearance of Executants and Witnesses. Part VIII.—Of Presenting Wills and Authorities to adopt.)

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and,

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

[A-35]

35. (1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead :

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

[A-36]

36. If any person presenting any document for registration or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized

agent, as in the summons may be mentioned, and at a time named therein.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

38. (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII.

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

40. (1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. (1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

(a) that the will or authority was executed by the testator or donor, as the case may be ;

(b) that the testator or donor is dead ; and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

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(Part IX.—Of the Deposit of Wills. Part X.—Of the Effects of Registration and Non-registration. Part XI.—Of the Duties and Powers of Registering Officers.)

PART IX.

OF THE DEPOSIT OF WILLS.

[s. 42.] 42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

[s. 43.] 43. (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

[s. 44.] 44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

[s. 45.] 45. (1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

[s. 46.] 46. (1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

[s. 47.] 47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

49. No document required by section 17 to be registered shall—

- (a) affect any immoveable property comprised therein, or
 - (b) confer any power to adopt, or
 - (c) be received as evidence of any transaction affecting such property or conferring such power,
- unless it has been registered.

50. (1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section.

Explanation.—In cases where Act No. XVI of 1864 or the Indian Registration Act, 1866, was XX of 1866. in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871, or the VIII of 1871. Indian Registration Act, 1877, or this Act. III of 1877.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A) As to the Register-books and Indexes.

51. (1) The following books shall be kept in the several offices hereinafter named, namely:—

A—In all registration offices—

Book 1, "Register of non-testamentary documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register;"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register;"

B—In the offices of Registrars—

Book 5, "Register of deposits of wills."

*The Indian Registration Bill.**(Part XI.—Of the Duties and Powers of Registering Officers.)*

[Act XII of 1879, s. 105.] (2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immoveable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immoveable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

[s. 52.] 52. (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it:

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and,

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

[s. 53.] 53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

[s. 54.] 54. In every office in which any of the books mentioned hereinbefore are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of the document to which it relates.

[s. 55.] 55. (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

56. (1) Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III.

(2) Every Registrar receiving such copy shall file it in his office.

57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executors (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) *As to the Procedure on admitting to Registration.*

58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:—

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration.

*The Indian Registration Bill.**(Part XI.—Of the Duties and Powers of Registering Officers.)*

in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

[a. 59.]

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

[a. 60.]

60. (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

[a. 61.]

61. (1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

[a. 62.]

62. (1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

[a. 63.]

63. (1) Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) Special duties of Sub-Registrar.

64. Every Sub-Registrar on registering a non-

[a. 64.]

testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

65. (1) Every Sub-Registrar on registering

[a. 65.]

a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate: and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) Special Duties of Registrar.

66. (1) On registering any non-testamentary

[a. 66.]

document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under

[a. 67.]

section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 65, sub-section (1).

*The Indian Registration Bill.**(Part XI.—Of the Duties and Powers of Registering Officers. Part XII.—Of Refusal to Register.)**(E) Of the controlling Powers of Registrars and Inspectors General.*

[s. 68.] 68. (1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

[s. 69.] 69. (1) The Inspector General shall exercise a general superintendence over all the registration-offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

- (a) providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;
- (b) declaring what languages shall be deemed to be commonly used in each district;
- (c) declaring what territorial divisions shall be recognized under section 21;
- (d) regulating the amount of fines imposed under sections 25 and 34, respectively;
- (e) regulating the exercise of the discretion reposed in the registering officer by section 63;
- (f) regulating the form in which registering officers are to make memoranda of documents;
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;
- (h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;
- (i) declaring the holidays that shall be observed in the registration-offices; and,
- (j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette and on publication shall have effect as if enacted in this Act.

[s. 70.] 70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration-fee.

PART XII.

OF REFUSAL TO REGISTER.

[s. 71.] 71. (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate

within his sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire—

- (a) whether the document has been executed;
- (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

The Indian Registration Bill.

(Part XII.—Of Refusal to Register. Part XIII.—Of the Fees for Registration, Searches and Copies. Part XIV.—Of Penalties.)

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

V of 1908.

[s. 76.]

Order of refusal by Registrar.

76. (1) Every Registrar refusing—

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

[s. 77.]

77. (1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

s. 78, para. 1.]

78. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

(a) for the registration of documents;

(b) for searching the registers;

(c) for making or granting copies of reasons, entries or documents, before, on or after registration;

and of extra or additional fees payable—

(d) for every registration under section 30;

(e) for the issue of commissions;

(f) for filing translations;

(g) for attending at private residences;

(h) for the safe custody and return of documents; and

(i) for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

[s. 79.]

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

[s. 80.]

PART XIV.

OF PENALTIES.

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

[s. 81.]

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

82. Whoever—

[s. 82.]

Penalty for making false statements, delivering false copies or translations, false personation, and abetment.

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act;

*The Indian Registration Bill.**(Part XIV.—Of Penalties. Part XV.—Miscellaneous.)*

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

[s. 83, paras. 1, 2.]

83. (1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

[Act XII of 1879, s. 106.]

(2) No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.

[s. 84.]

84. (1) Every registering officer appointed under this Act shall be deemed public servants. Registering officers to be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the *Indian Penal Code*, the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

PART XV.

MISCELLANEOUS.

[s. 85.]

85. Documents (other than wills) remaining Destruction of unclaimed unclaimed in any registration office for a period exceeding two years may be destroyed.

[s. 86.]

86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity. Registering officer not liable for thing done or refused in his official capacity.

[s. 87.]

87. Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure. Nothing so done invalidated by defect in appointment or procedure.

[s. 88.]

88. (1) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58. Registration of documents executed by Government officers or certain public functionaries.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information

respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

89. (1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1. Copies of certain orders, certificates and instruments to be sent to registering officers and filed.

[s. 89.]

Act XIX of 1883.

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Exemptions from Act.

90. (1) Nothing contained in this Act or in the *Indian Registration Act*, 1877, or in the *Indian Registration Act*, 1871, or in any Act thereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:—

s. 90.]

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(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

(c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records; or

(d) sanads, inam title-deeds and other documents purporting to be or to

[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

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[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

[Act XI of 1891, s. 11.]

*The Indian Registration Bill.**(Part XV.—Miscellaneous. The Schedule.—Repeal of Enactments.)*

evidence grants or assignments by Government of land or of any interest in land; or

THE SCHEDULE.

REPEAL OF ENACTMENTS.

(See section 93.)

Year.	No.	Short title.	Extent of repeal.
1877	III	The Indian Registration Act, 1877.	The whole.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	So much as is unrepealed.
1883	XIX	The Land Improvement Loans Act, 1883.	So much of section 12 as is unrepealed.
1886	VII	The Indian Registration Act, 1886.	The whole.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed.
1891	XII	The Amending Act, 1891.	In the second schedule the entries relating to Act III of 1877.
1899	XVII	The Indian Registration (Amendment) Act, 1899.	The whole.

(e) notices given under section 74 or section 76 of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

[Act VII of 1886, s. (6) 2.]
[Act V of 1879, s. 2.]

[s. 91.]
[Act VII of 1886, s. 6 (2).]

91. Subject to such rules and the previous payment of such fees as the Local Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

[s. 92.]

92. All rules relating to registration enforced in Lower Burma prior to the commencement of the Indian Registration Act, 1877, shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

III of 1877.

Repeals.

[C. s. s. para. 2.]

93. (1) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

[Now.]

(2) Nothing herein contained shall be deemed to affect any provision of any enactment in force in any part of British India and not hereby expressly repealed.

STATEMENT OF OBJECTS AND REASONS.

1. This is a pure consolidating Bill. The provisions relating to the registration of documents are now scattered about in seven enactments. The object of the present Bill is to collect these provisions and to incorporate them in one Act. This will make the law more easily ascertainable. It will further clear the Statute-book of three entire Acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, 1908, and of the Indian Limitation Bill, now before Council.

2. The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1877 has been preserved.

3. It has been found that the mere process of consolidation might result in the law being changed in some respects. To avoid this some few amendments appear to be necessary, and to these reference is made in the *Notes on Clauses* below.

4. A table showing the disposal of the sections of the Act is appended to this Statement.

The 22nd July 1908.

H. ERLE RICHARDS.

Notes on Clauses.

Clause 46.—Section 46 of the Act saves the provisions of section 259 of the Indian Succession Act, 1865, relating to the filing and preservation of wills in the Courts of District Judges and Delegates. Exactly the same provisions have since been enacted in section 81 of the Probate and Administration Act, 1881, in respect of wills to which the Succession Act does not apply; these provisions being contained in a later enactment are not affected by the provisions of the Registration Act to the contrary. To avoid any question as to the effect of the re-enactment of the law relating to registration and to preserve the law unaltered, the provisions of section 81 of the Probate and Administration Act have been expressly saved by introducing a reference to that enactment in the clause.

Clause 49.—The words "in accordance with the provisions of this Act" occurring at the end of section 49 of the Act may give rise to some difficulty if they are retained in this clause. No doubt seems ever to have been cast on the view that under the law, as it stands, documents prior to the Act of 1877, if registered in accordance with the law for the time being in force, are not rendered inoperative or inadmissible in evidence by this section. Regard being had however to the terms of clause 17, which reproduces section 17 of the Act, a strict adherence to the definition of the word "registered" contained in the General Clauses Act, section 3 (45), might lead to a construction of clause 49 which would make these documents inoperative and inadmissible if the words quoted above are retained. They have accordingly been omitted.

Clause 50.—The words "if duly registered" in section 50 of the Act have been interpreted by the Bombay High Court to mean "registered under this Act" so that an unregistered document of which registration is optional would be avoided by a later registered document of which registration is compulsory only if the latter document has been registered under the Act of 1877 (*Shieram v. Saya*, I. L. R. 13 Bom. 225). The effect of leaving the words as they are would be that by virtue of section 3 (45) of the General Clauses Act, 1897, they would mean "registered under the law for the time being in force." Accordingly a document registered under any Act prior to the Act of 1877 would acquire priority over a previous unregistered document. This would alter the law as interpreted in Bombay; but as it is not quite clear what is the view taken of the section by the other High Courts the wording of the section has been left unaltered for the present. Attention is invited to the point.

Clause 93 (1).—The provisions of the Act relating to optional registration have to a great extent been superseded by the provisions of sections 54 and 59 of the Transfer of Property Act, 1882, in cases to which that Act extends. Special provisions relating to the registration of certain documents are also contained in some other later enactments, as, for instance, in section 12 of the Bengal Tenancy Act. Clause 93 (2) is inserted to make it clear beyond doubt that the re-enactment of these partially superseded provisions of the Registration Act is not intended to effect any alteration in the existing law.

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.	Clause of the Bill.	REMARKS.
<i>Act III of 1877—</i> 1, paragraphs 1, 2	1	
1, paragraph 3	Omitted.	The consolidating Act will come into force at once.
1, paragraph 4	Do.	See General Clauses Act, 1897, section 21.
2, paragraph 1	Cf. 93 (1)	
2, paragraph 2	Omitted.	See General Clauses Act, 1897, section 24.
2, paragraph 3	Do.	See General Clauses Act, 1897, section 8.
3	2	Clause relating to "signature" and "signed" omitted: See General Clauses Act, 1897, section 3 (52).

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.	Clause of the Bill.	REMARKS.
4, paragraphs 1, 2 ...	3	
4, paragraphs 3, 4 ...	4	
5 to 22 ...	5 to 22	In clause 9 the words "where there is a Cantonment Magistrate" have been omitted? see Act XIII of 1889, section 5.
23, paragraphs 1, 2 ...	23	
23, paragraph 3 ...	24	
24 ...	25	
25 ...	26	
26 ...	Omitted.	See General Clauses Act, 1897, section 10 (1).
27 to 77 ...	27 to 77	
78, paragraph 1 ...	78	
78, paragraph 2 ...	Omitted.	See General Clauses Act, 1897, section 21.
79 to 82 ...	79 to 82.	
83, paragraphs 1, 2 ...	83	
83, paragraph 3 ...	Omitted.	See Criminal Procedure Code, 1898, Chapter III.
83, paragraph 4 ...	Do.	See General Clauses Act, 1897, section 25.
84 to 92 ...	84 to 92.	
Act XII of 1879— Section 104 ...	See 35 (3).	
" 105 ...	See 51 (2).	
" 106 ...	See 83 (2).	
" 107 ...	See 89 (2).	
Act XIX of 1883— Section 12 (1) ...	See 17 (2) (ix)	
" 12 (3) ...	See 89 (1)	
Act VII of 1836— Section 1 ...	Omitted	Short title and commencement.
" 2 ...	See 17 (2) (iii).	
" 3 (1) ...	See 17 (2) (x).	
" 3 (2) ...	See 58 (i).	
" 3 (3) ...	See 89 (3).	

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.			Clause of the Bill.			REMARKS.
Section 4	...	...	See 17 (2) (xi).			
" 5	...	...	See 30 (2).			
" 6 (1)	...	...	See 90 (1) (e).			
" 6 (2)	...	...	See 91.			
" 6 (3)	...	...	Omitted	...	...	Unnecessary: it gives retrospective effect to the amendments effected by section 6.
Act VII of 1888—						
Section 65 (1)	...	...	See 17 (2).			
" 65 (2)	...	...	See 30 (2).			
" 65 (3)	...	...	Omitted	...	...	It gives retrospective operation to the amendments and saves previous orders of Courts.
Act XII of 1891—						
Schedule II—Entries relating to Act III of 1877.			.....		
No. 1	...	...	Omitted	...	...	See General Clauses Act, 1897, section 21.
No. 2	...	...	Omitted	...	...	See General Clauses Act, 1897, section 25.
No. 3	...	...	See 89 (4).			
No. 4	...	...	See 90 (c).			
Act XVII of 1899—						
Section 1	...	...	Omitted	...	...	Short title and commencement.
" 2	...	...	See 22.			

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th August, 1908:

No. 11 of 1908.

THE INDIAN EMIGRATION BILL.

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THE FOURTH SCHEDULE.—ENACTMENTS REPEALED.

A Bill to consolidate the enactments relating to the Emigration of Natives of India.

WHEREAS it is expedient to consolidate the enactments relating to the emigration of Natives of India and their departure by sea out of India for certain purposes; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Emigration Act, 1908; [a. 1.]

Short title and extent.

and

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— [a. 5.]

Definitions.

(i) "dependent" means any of the following persons accompanying any emigrant, namely:—

(a) any woman who has not entered into an agreement to emigrate under this Act;

(b) any child in whose name and on whose behalf any such agreement has not been entered into; and

(c) any aged or incapacitated relative or friend;

(ii) "emigrant" means any Native of India who emigrates, or has emigrated, within the meaning of clause (iv) or who has been registered under this Act as an emigrant, and includes any dependent of an emigrant;

(iii) "emigrant-vessel" means a vessel the master of which is licensed under this Act to carry emigrants therein;

(iv) "emigrate" and "emigration" denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the island of Ceylon or the Straits Settlements;

(v) "labour" means unskilled labour and does not include any work or other occupation of the nature hereinafter referred to in Chapter XI; [Act X of 1902, s. 3-]

(vi) "Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a District Magistrate or a Sub-divisional Magistrate, and includes also any person appointed by the Local Government to perform in any area the functions of a Magistrate under this Act;

(vii) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a vessel;

(viii) "recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons;

(ix) "Registering Officer" means any person appointed by the Local Government to perform in any area the functions of a Registering Officer under this Act; and

(x) "vessel" includes anything made for the conveyance by water of human beings or property.

(2) In case of any doubt or dispute as to whether any person should be deemed— [a. 6 A; Act X of 1902, s. 4-]

(a) to emigrate, or

[The bracketted marginal references indicate the corresponding provisions of existing Acts; where no Act is mentioned, the reference is to Act XXI of 1883.]

The Indian Emigration Bill.

(Chapter I.—Preliminary. Chapter II.—Ports from which, and Countries to which, Emigration is lawful. Chapter III.—Emigration Agents.)

(b) to be a Native of India, within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may, by rules made under this Act, direct, and such determination shall be final.

CHAPTER II.

PORTS FROM WHICH, AND COUNTRIES TO WHICH, EMIGRATION IS LAWFUL.

[A. 7 (1)] 3. (1) Emigration shall not be lawful except from the ports of Calcutta, Madras, Bombay and Karachi and from such other ports as the Governor General in Council, by notification in the Gazette of India, declares to be ports from which emigration is lawful.

[A. 7 (2)] (2) The Local Government may, by notification in the local official Gazette, fix for the purposes of this Act the limits of any port from which emigration is lawful.

[A. 8.] 4. (1) Emigration shall not be lawful except to the countries specified in the first schedule and to such other countries as the Governor General in Council, by notification in the Gazette of India, declares to be countries to which emigration is lawful.

(2) Every notification under this section must contain a declaration that the Governor General in Council has been duly certified that the Government of the country to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of emigrants to that country during their residence therein.

[A. 9.] 5. (1) Where the Governor General in Council has reason to believe that any of the grounds, hereinafter mentioned, for prohibiting emigration to any country to which emigration is lawful, exists, he may, by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.

(2) The grounds referred to in sub-section (1) are—

- that the plague or any other epidemic disease dangerous to human life has broken out in the country;
- that the mortality among emigrants in the country is excessive;
- that proper measures have not been taken for the protection of emigrants immediately on their arrival in the country or during their residence therein;
- that the agreements made with emigrants as such before their departure from India are not duly enforced by the Government of the country; and
- that the Governor General in Council, having, either directly or through the Secretary of State for India in Council, addressed the Government of the country

with a view to obtain information regarding the condition or treatment of emigrants therein, has not within a reasonable time received the information asked for.

6. (1) Where the Local Government has reason to believe that, in any country to which emigration is lawful, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the local official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

(2) The Local Government shall at once report the publication of a notification under this section, with the reasons for it, to the Governor General in Council, who shall thereupon publish a notification in the Gazette of India confirming or cancelling the notification published by the Local Government.

7. Where the Governor General in Council is satisfied that the ground on which a notification has been published by him under either of the two last foregoing sections with respect to any country has ceased to exist, he may, by notification in the Gazette of India, declare that emigration to that country shall again be lawful from a day to be specified in the notification.

8. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit, from a day specified in the notification, all Natives of India or any specified class of such Natives from emigrating from the whole or any specified part of the territories under its administration to any specified country.

9. The publication of a notification under any of the four last foregoing sections shall not affect any act done, offence committed or proceedings commenced before the publication.

CHAPTER III.

EMIGRATION AGENTS.

10. (1) The Government of every country to which emigration is lawful may, from time to time, appoint a person to be Emigration Agent in any port from which emigration is lawful.

(2) An appointment under this section shall not take effect until the Local Government, by notification in the local official Gazette, has declared its approval of the appointment.

11. The remuneration to be given to an Emigration Agent shall not depend on, or be regulated by, the number of emigrants sent by him, but shall be in the nature of a fixed salary:

The Indian Emigration Bill.

(Chapter III.—Emigration Agents. Chapter IV.—Protectors of Emigrants and Medical Inspectors. Chapter V.—Recruiters.)

Provided that the Governor General in Council may authorize the payment to specified Emigration Agents of special fees for occasional work.

CHAPTER IV.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

[a. 16 (1).] 12. (1) The Local Government may appoint a proper person to be the Protector of Emigrants for any port within the territories administered by it from which emigration is lawful.

[a. 16 (2).] (2) The Governor General in Council may define the area to which the authority of any Protector of Emigrants so appointed shall extend.

[a. 16 (4).] (3) Every Protector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

[a. 17.] 13. Every Protector of Emigrants, in addition to the special duties assigned to him by this Act or the rules made under this Act, shall—

- (a) protect and aid with his advice all emigrants;
- (b) cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with;
- (c) inspect, on arrival, all vessels bringing return-emigrants to the port for which he is Protector;
- (d) enquire into the treatment received by the return-emigrants both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government; and
- (e) aid and advise the return emigrants so far as he reasonably can.

[a. 18 ;
Act of 1902, s. 5.] 14. (1) The Local Government may appoint one or more Medical Inspectors of Emigrants at each port from which emigration is lawful and may apportion their respective duties.

[a. 19.] (2) Every Medical Inspector of Emigrants shall be a public servant within the meaning of the Indian Penal Code.

[a. 19.] 15. Every Emigration Agent and all persons in charge of, or employed in, any emigrant-vessel, shall give the Protector of Emigrants and the Medical Inspector every facility for making such inspections, examinations and surveys as are required by this Act or by the rules made under this Act, or as those officers may deem necessary or proper, and shall afford them all such information as they may reasonably require.

CHAPTER V.

RECRUITERS.

16. (1) The Protector of Emigrants at each of the ports from which emigration is lawful shall, on the application of the Emigration Agent for any country to which emigration is lawful, grant licenses to so many fit persons as to the Protector seems necessary to be recruiters of emigrants within the area to which the authority of the Protector extends.

(2) A person shall not, unless he holds a license granted under this Chapter,—

- (a) enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate, or,
- (b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or
- (c) act or be employed in any other respect as a recruiter of emigrants.

(3) Every recruiter shall produce his license when called upon to do so by any Magistrate or officer in charge of a police-station.

17. Every license granted under this Chapter shall specify the particular country for which, and the area within which, the holder is licensed to recruit, and may be in the form set forth in the second schedule.

18. (1) A license granted under this Chapter shall not be in force for a longer period than one year from the day on which it comes into force.

(2) The Protector of Emigrants may, on the ground of misconduct, cancel any license granted by him under this Chapter before the expiration of the period for which it is in force.

19. (1) A recruiter shall not, in any place of beyond the limits of a port from which emigration is lawful, enter or attempt to enter into any agreement with any person purporting to bind him to emigrate, or induce or assist, or attempt to induce or assist, any person to leave any place for the purpose of emigrating, or act or be employed in any other respect as a recruiter of emigrants, unless his license bears the countersignature of the District Magistrate.

(2) If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, he may refuse to countersign a recruiter's license.

(3) If a District Magistrate has satisfied himself, after such enquiry as aforesaid, that sufficient and proper accommodation has not been provided in a suitable place, or is not available, for such intending emigrants or emigrants as may be collected by the recruiter pending their registration or removal to the depôt at the port of embarkation, he may refuse to countersign a recruiter's license or to decide whether he will countersign his license until after the expiration of such time as may in his opinion be reasonable.

The Indian Emigration Bill.

(Chapter V.—Recruiters. Chapter VI.—Registration of Emigrants and Execution of Agreements to Emigrate)

(4) Before a Magistrate refuses to countersign, or defers his countersignature of, a recruiter's license, he shall record in writing his reasons for so doing.

[s. 24.] 20. If any Magistrate, having countersigned a recruiter's license, afterwards finds reason to think that the licensee is, by character or from

Power for Magistrate to cancel countersignature in certain cases,

any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided for intending emigrants or emigrants collected by him has become unsuitable or has ceased to be available, he may require the licensee to produce his license, and may cancel the countersignature on it, or may impound the license and send it for cancellation to the Protector of Emigrants who granted it.

[s. 25.] 21. When a Magistrate countersigns, or refuses to countersign, a recruiter's license, or cancels the countersignature on it, he shall at once report the countersignature, or the refusal or cancellation, and the grounds of the refusal or cancellation, to the Protector of Emigrants who granted the license.

Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature.

[s. 26.] 22. (1) The Emigration Agent on whose application any recruiter is licensed shall supply the recruiter with a written or printed statement, signed by the Agent, and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorized to offer on behalf of the Agent to intending emigrants.

Recruiter to be supplied with statement of terms of agreement he is authorized to offer.

(2) The statement shall be both in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit.

(3) The recruiter shall give a true copy of the statement to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a police-station, when called upon to do so by the Magistrate or officer.

[s. 27.] 23. (1) Every recruiter shall provide sufficient accommodation to be and proper accommodation provided by recruiters. dation in a suitable place for such intending emigrants or emigrants as may be collected by him pending their registration or removal to the port of embarkation.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate, and any subordinate Magistrate, or officer of Police authorized in this behalf by a rule made under this Act, shall have, for the supervision and regulation of the places where accommodation is provided under this section, the same powers as are by this Act conferred on a Protector of Emigrants in respect of depôts at the port of embarkation.

(4) All recruiters or other persons in charge of these places shall afford every Magistrate and any officer of Police authorized as aforesaid

in this behalf every facility for visiting and inspecting them.

CHAPTER VI.

REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS TO EMIGRATE.

24. The Local Government may appoint any person to perform in a specified area, but subject to the control of the District Magistrate or such other officer as the Local Government appoints in this behalf, the functions of a Registering Officer under this Act.

25. Every agreement to emigrate entered into Execution of agree- by any person must,—

- (a) if executed within the limits of any port from which emigration is lawful, be executed in the presence of the Protector;
- (b) if executed elsewhere, be executed in the presence of a Registering Officer.

26. Every recruiter who desires to engage any person to emigrate shall appear before a Registering Officer or the Protector of Emigrants (as the case may be) with that person, and with any persons intending to accompany that person as his dependents.

27. (1) The Registering Officer or Protector shall thereupon examine the person, apart from the recruiter, with reference to his intended agreement.

- (2) If on such examination it appears,—
 - (a) that such person is competent and willing to enter into the agreement and understands its nature,
 - (b) that he has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake, and
 - (c) that its terms are in conformity with law, and are such as, according to the statement furnished to the recruiter under section 22, he was authorized to offer,

the Registering Officer or Protector shall, subject to the provisions of section 29, register in a book to be kept for the purpose, in such form as the Governor General in Council, by rules made under this Act, prescribes,—

- (i) the name, sex, name of the father, caste, occupation and age of the intending emigrant,
- (ii) the name of the village or place of which he is a resident, and
- (iii) such other particulars (if any) concerning him and his dependents (if any) as the Governor General in Council, by rules made under this Act, prescribes.

28. (1) Notwithstanding anything contained in the last foregoing section, the Registering Officer or Protector may refuse to register any married woman under that section if he finds that her husband does not consent to her emigrating.

Power to refuse registration in cases of married women.

*The Indian Emigration Bill.**(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate. Chapter VII.—Emigration Depôts.)*

(2) The Registering Officer or Protector may also, in the case of any woman whom he believes to be married, refuse to decide whether he will register her until after the expiration of such time, not exceeding ten days, as he thinks fit.

[s. 33.] 29. (1) When any person appears before a Registering Officer or Protector under section 26 as a dependent of an intending emigrant, the Registering Officer or Protector shall, if the person is able to give intelligent answers to questions, examine him, apart from the recruiter, as to his dependence on the intending emigrant whom he is about to accompany, and as to his willingness to emigrate.

(2) Where the Registering Officer or Protector sees reason to doubt the existence of the dependence or willingness, he may, if he thinks fit, refuse to register the intending emigrant, unless the name of the dependent is omitted from the register.

[s. 34.] 30. Where the Registering Officer or Protector refuses to register any intending emigrant, he shall record his reasons for the refusal.

[s. 35.] 31. (1) Where the particulars concerning any intending emigrant and his dependents (if any) have been registered, the Registering Officer or Protector shall cause an agreement to be prepared in duplicate and shall call on the recruiter and the intending emigrant to execute the agreement in duplicate in his presence, and, if they execute it, shall attest the execution with his signature.

(2) An agreement to emigrate shall not be of any effect until the particulars concerning the intending emigrant and his dependents (if any) have been registered, and the agreement has been executed and attested under this Act.

(3) When the particulars concerning any intending emigrant and his dependents (if any) have been registered and an agreement has been executed and attested under this Act, the intending emigrant shall be deemed to be registered under this Act as an emigrant.

[Act XVIII of 1890, s. 2.] 32. Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument.

[s. 36.] 33. Every agreement to emigrate shall contain a copy of the particulars registered concerning the intending emigrant and his dependents (if any) under section 27, and on the reverse such particulars concerning the nature, duration and term of service and the remuneration of the emigrant, and such other matters (if any) as the Governor General in Council, by rules made under this Act, prescribes.

[s. 37.] 34. When the agreement has been executed and attested,—
[Act XVIII of 1890, s. 3.] Record of registrations and agreements.

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him; and

(b) a certified copy of the particulars registered under section 27, concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent.

34. For the preparation of every agreement [s. 38.]
Fee for preparation of under this Chapter the recruiter or Emigration Agent shall pay such fee as the Governor General in Council, by notification in the Gazette of India, prescribes:

Provided that the Governor General in Council may at any time, by like notification, declare that the fee payable under this section shall be consolidated, either generally or in any specified area, with the fee payable under section 68.

35. Notwithstanding anything to the contrary [s. 39.]
Power to make agreement in the Indian Contract Act, 1872, it shall be lawful for any person of the age of sixteen years or upwards to enter in manner in this Act provided into an agreement to emigrate to any place to which emigration is lawful.

36. Any person entering into an agreement to [s. 40.]
Power to make agreement emigrate, and being the parent or guardian of a child under the age of sixteen years and above the age of ten years, may, in the name of and on behalf of the child, enter into an agreement in manner in this Act provided binding the child to emigrate with him.

CHAPTER VII.

EMIGRATION DEPÔTS.

37. Every Emigration Agent shall establish at [s. 41.]
Depôts to be established the port for which he is appointed a suitable depôt for the reception and lodging of emigrants before embarkation for the country for which he is Emigration Agent, and shall provide all necessary food and clothing for all emigrants during their stay at the depôt.

38. (1) A depôt established under the last [s. 42.]
Licensing of depôts. foregoing section shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and a license for its use has been granted by the Protector.

(2) A license under this section shall not be granted for a longer period than one year from the day on which it comes into force.

(3) The Protector of Emigrants may at any time cancel a license under this section—

(a) if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable for the purpose for which it was established; or

*The Indian Emigration Bill.**(Chapter VII.—Emigration Depôts. Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival)*

(b) If the Emigration Agent fails, after reasonable notice, to comply with any of the requirements of this Act or of the rules made under this Act.

[s. 43.]

39. The Protector of Emigrants and the Inspection by Protector Medical Inspector shall, and Medical Inspector. from time to time, and at least once in every week during which any emigrants may be kept in any depôt at the port for which they are Protector and Medical Inspector, respectively, inspect the emigrants in that depôt and examine the state of the depôt and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to.

[s. 44.]

40. The Medical Inspector shall report to the Report by Medical Inspector Protector of Emigrants for. any circumstance that may come to his knowledge showing that any depôt is not suitable for its purpose, or that the emigrants lodged therein are treated with any oppression or neglect.

[s. 45.]

41. (1) The Medical Inspector may, if he Treatment of emigrant thinks fit, direct that any suffering from disease. emigrant suffering from any disease likely to be dangerous to his neighbours shall be isolated or excluded from the depôt

(2) The Medical Inspector may, if he thinks fit, order the removal of any emigrant so suffering to a proper hospital for treatment at the expense of the Emigration Agent; and the expense (if any) incurred by the Protector of Emigrants in respect of the removal of the emigrant and his treatment in the hospital shall be recoverable from the Emigration Agent by the Protector of Emigrants, with interest thereon at the rate of six per centum per annum from the date on which the expense was incurred.

CHAPTER VIII.

CONVEYANCE OF EMIGRANTS TO DEPÔTS AND PROCEDURE ON ARRIVAL.

[s. 46.]

42. A recruiter shall not remove or attempt Emigrant not to be removed to remove any intending and before registration. emigrant to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or aid him in going to a depôt, or in leaving any such local limits, until the intending emigrant has been registered under this Act as an emigrant.

[s. 47.]

43. (1) Every emigrant must, after he has Conveyance of emigrant been registered under to depôt. this Act, be conveyed with all convenient despatch, by or under the orders of the recruiter or Emigration Agent, to the depôt established at the port of embarkation by the Emigration Agent on whose application the recruiter has been licensed.

(2) When an emigrant has been registered at a place beyond the limits of the port of embarkation, he must, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person appointed by him with the approval of a Magistrate.

(3) The Magistrate shall give to the person so appointed a certificate signed by him stating that he has been appointed for the journey to the depôt.

(4) The recruiter or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

44. The arrival at a depôt of each emigrant [s. 48.] Report of arrival at depôt. must immediately be reported by the person in charge of the depôt to the Emigration Agent and by the Agent to the Protector of Emigrants.

45. (1) The copy of the particulars registered Examination by Medical under section 27, received by the recruiter Inspector. from the Registering Officer or Protector, must, as soon as conveniently may be after the arrival of the emigrant at the depôt, be shown by the Emigration Agent to the Medical Inspector of Emigrants. [s. 49; Act XXVIII (1890), s. 4.]

(2) The Medical Inspector shall examine each emigrant whose name is entered in the said copy to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.

(3) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

46. (1) In any of the following cases, namely:— [s. 50.] Power for Protector to order payment of expenses of return of emigrant in certain cases.

(a) if the Medical Inspector of Emigrants finds that an emigrant is, or has become, unfit to undertake the journey to the country to which he has agreed to emigrate, and if the Protector of Emigrants considers that the emigrant has not dishonestly represented himself as fit to undertake the journey, or

(b) if the Protector finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any emigrant as makes it just to rescind the agreement to emigrate, or

(c) if the Emigration Agent refuses to fulfil the agreement entered into with the emigrant,

the Protector may order the Emigration Agent to pay to the emigrant such sum as the Protector deems reasonable as compensation, and, when the emigrant has been registered at a place beyond the limits of the port of embarkation, such reasonable sum as is necessary to enable him to return to the place at which he was registered, and may take any steps which he thinks necessary for the conveyance of the emigrant to that place.

(2) Any emigrant who has been registered at any place beyond the limits of the port of embarkation, and who from his state of health is, in the opinion of the Medical Inspector of Emigrants, unfit to undertake at once the return-journey to the place at which he was registered, shall be entitled to be fed, lodged,

*The Indian Emigration Bill.**(Chapter VIII.—Conveyance of Emigrants to Depôts and Procedure on Arrival.
Chapter IX.—Emigrant-vessels.)*

clothed and attended to at the depôt at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake the return-journey.

[a. 51.] 47. (r) Where any order is made under the last foregoing section with reference to any emigrant who was registered at any place beyond the limits of the port of embarkation—

(a) any emigrant who has been registered as his dependent, or

(b) any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant,

shall be entitled—

(i) to be conveyed at the expense of the Emigration Agent with the emigrant to the place at which he was registered; and

(ii) if the emigrant is unable to travel, to be lodged, fed and clothed in the depôt at the expense of the Emigration Agent until the emigrant is able to travel.

(2) The Protector of Emigrants may include any expenses incurred under this section in an order made under the last foregoing section with respect to the emigrant.

[a. 52.] 48. If it appears that during the journey to the depôt any emigrant has suffered any ill-treatment, or that, in the case of any emigrant who has been registered at a place beyond the limits of the port of embarkation, the provisions of section 43 have not been complied with, the Protector of Emigrants may order the Emigration Agent to pay—

(a) to the emigrant a reasonable sum by way of compensation, and

(b) to the Protector the expenses (if any) which may have been incurred by or under the orders of the Protector on behalf of the emigrant by reason of the neglect to comply with the provisions of section 43.

[a. 53.] 49. (r) On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any sum to an emigrant under any of the last three foregoing sections, the Protector may pay the same to the emigrant.

(2) Every sum paid by the Protector to an emigrant under sub-section (r), and, on failure of the Emigration Agent for twenty-four hours to comply with an order for payment thereof under the last foregoing section, every sum which the Protector may have ordered the Emigration Agent to pay to him under that section, shall be recoverable from the Emigration Agent with interest thereon at the rate of six per centum per annum from the date of payment.

(3) Further proof shall not be required by any Court in any such case than that the Protector

gave the Emigration Agent an order to pay the sum, and that the Emigration Agent for twenty-four hours failed to comply with the order.

CHAPTER IX.

EMIGRANT-VESSELS.

50. An emigrant shall not be received on board any vessel unless a license to carry emigrants in the vessel has been obtained from the Local Government. [a. 54.]

51. (r) When the master or owner of any vessel desires to obtain a license to carry emigrants in his vessel, he shall apply in writing through the Protector of Emigrants to the Local Government for the license. [a. 55.]

(2) The application must state the number of emigrants which, according to the rules as to space contained in this Chapter, the applicant deems the vessel capable of carrying, and the tonnage and such other particulars respecting the vessel as the Governor General in Council, by rules made under this Act, prescribes.

52. (r) The Protector of Emigrants shall cause the vessel to be surveyed by a competent person at the cost of the master or owner, with a view to ascertain her seaworthiness, and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated, and is supplied with all the tackle, apparel and furniture requisite for her intended voyage. [a. 56; Act XVIII of 1892, s. 5.]

Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steamships Act, 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient. VII of 1924.

(2) If the Local Government is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, and is properly manned and officered, it shall give to the master of the vessel a license to carry emigrants therein specifying the number of emigrants which may be received on board.

53. (r) A license shall not be granted under the last foregoing section unless— [a. 57.]

(a) there is provided for the emigrants, either between decks or, subject to the approval of the Protector of Emigrants and the Medical Inspector, in cabins on the upper deck, a space devoted to the exclusive use of the emigrants having in every part a height of not less than six feet;

(b) a separate place is fitted up for a hospital; and

*The Indian Emigration Bill.**(Chapter IX.—Emigrant-vessels. Chapter X.—Embarkation and Departure.)*

(c) such arrangements are made for the separation of women (married or single) and children from the other emigrants as the Governor General in Council, by rules made under this Act, prescribes.

(d) The cabins on the upper deck provided under clause (a) of this section must be firmly secured and entirely covered in.

[s. 54.] 54. Every emigrant vessel shall contain within Rules as to space on the space referred to in board emigrant-vessel. clause (a) of the last foregoing section at least twelve superficial feet and seventy-two cubic feet of space for each emigrant :

Provided that two emigrants under the age of ten years shall for the purposes of this section count as one only.

[s. 55.] 55. There shall be on board every emigrant-vessel, at the time of departure of the vessel from the port at which they embark, provisions, clothing, fuel and water for the emigrants (over and above the supply for the master officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quantity as the Governor General in Council, by rules made under this Act, prescribes.

[s. 56.] 56. Every emigrant-vessel shall, at the time of departure of the vessel from the port at which the emigrants embark, have on board, and shall carry with her a properly qualified surgeon, and also such compounders, interpreters and attendants subordinate to the surgeon, and such medicines and other stores, in such quantity and of such quality as the Governor General in Council by rules made under this Act, prescribes.

[s. 57.] 57. The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of the last two foregoing sections are complied with.

[s. 58.] 58. (1) Every master licensed under this Act shall, on the requisition of the Protector of Emigrants, and before any emigrant embarks on board his vessel, execute to the Protector, in duplicate, a bond, in such form as the Local Government prescribes, binding himself and the owner of the vessel in a penal sum of ten thousand rupees, to perform the duties imposed by this Act or any rule made under this Act on a master and owner, respectively.

(2) The Protector of Emigrants shall forward one copy of the bond to such officer as may be appointed in this behalf by the Government of the country to which the emigrants are to be conveyed, or, in the case of a foreign colony, to the British Consular Agent, and the other copy to the Local Government.

CHAPTER X.

EMBARKATION AND DEPARTURE.

[s. 59.] 59. An emigrant shall not embark, except with the permission of the Protector of Emigrants, until seven days have elapsed from the date of his arrival at the depôt.

60. (1) An emigrant-vessel shall not sail from any port in British India—

(a) to any country west of the Cape of Good Hope, except at such seasons as the Governor General in Council, by rules made under this Act, prescribes as seasons during which it shall be lawful for emigrant-vessels generally, or of a class to which the vessel belongs, to sail to that country ;

(b) to any country during any season which the Governor General in Council, by notification in the Gazette of India, declares to be a season during which the sailing of emigrant-vessels to that country is prohibited.

61. If any emigrant without sufficient cause refuses or neglects to embark when called on by the Emigration Agent to do so, it shall not be lawful to compel the emigrant to embark.

Provided that nothing in this section shall affect the civil or criminal liabilities which an emigrant incurs by reason or in respect of any such refusal or neglect.

62. (1) When any emigrants are about to embark on board any vessel, the Emigration Agent shall supply the master of the vessel with four copies of a list, specifying, as accurately as may be, the names, ages and occupations of the emigrants, and the names of their respective fathers.

(2) The master shall not receive any emigrant on board unless he is provided with a pass, signed by the Emigration Agent, and countersigned by the Protector, stating the name and age of the emigrant, the name of his father, and the country to which he has agreed to emigrate, and certifying that he is in a fit state of health to undertake the voyage to that country.

(3) Every emigrant shall on embarkation deliver the pass to the master.

(4) The master shall compare the emigrants who embark and the passes delivered by them with the list supplied by the Emigration Agent ; and, if the list appears to be correct and to correspond with the passes delivered and with the emigrants embarked, the master shall sign the four copies of the list.

(5) The master shall not permit any emigrant to remain on board who has not delivered up his pass to the master or is not mentioned in the list.

63. (1) When the copies of the list have been signed, the master shall give two of the copies to the Protector of Emigrants, who shall sign them if he believes them to be correct.

(2) The Protector shall send one of the copies so signed by him by the vessel which carries the emigrants to such officer as may be appointed in this behalf by the Government of the country to which the emigrants have agreed to emigrate, or, in the case of a foreign colony, to the British Consular Agent, and shall file the other copy in his own office.

*The Indian Emigration Bill.**(Chapter X.—Embarkation and Departure.)*

- 68.] 64. (1) The master shall give to the Emigration Agent the two remaining copies of the list.
Disposal of the two copies of list to be given by master to Emigration Agent.
- (2) The Emigration Agent shall thereupon sign the copies, and shall return one of them to the master.
- (3) The master shall, on the arrival of the vessel at the country to which the emigrants have agreed to emigrate and before their disembarkation, deliver the copy so returned to him to such officer as may be appointed in this behalf by the Government of the country, or, in the case of a foreign colony, to the British Consular Agent.
- 69.] 65. (1) The Medical Inspector shall be present at the embarkation of all emigrants, and shall examine each emigrant to ascertain if he is in a fit state of health to undertake the voyage to the country to which he has agreed to emigrate; and, if he finds that he is not fit to undertake the voyage, he shall inform the Protector accordingly.
- (2) The Protector may thereupon refuse to permit the emigrant to embark; and any emigrant, registered as a dependent of an emigrant whom the Protector has refused to permit to embark, or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, may, notwithstanding anything in this Act, refuse to embark.
- (3) The provisions of sections 46, 47 and 49 shall apply to emigrants who under this section are not permitted to embark, and to any emigrants who under this section refuse to embark, and to the recovery of expenses incurred under this Act in respect of them.
- 70.] 66. Before any emigrant-vessel clears out of any port, the master of the vessel shall obtain from the Protector of Emigrants at the port, and from the Emigration Agent for the country to which the emigrants are to be conveyed, certificates, signed by the Protector and Emigration Agent, respectively, to the effect that the Protector and Agent have, in respect of all the emigrants embarking at that port in the vessel, done all that is required by the foregoing provisions of this Act, or by the rules made under this Act, to be done on the part of the Protector and Agent, respectively, and that all the directions for the security, well-being and protection of emigrants which are contained in this Act or in the rules made under this Act have, in the case of that vessel, been complied with.
- 71.] 67. The master of every emigrant-vessel shall keep on board the vessel during the whole voyage two copies of this Act, and of all rules made under this Act, and two copies of a translation of this Act, and of those rules, in such language or languages as the Local Government directs, and shall, on request made at any reasonable time, produce one of those copies to any emigrant for his perusal.
- 72.] 68. For each emigrant who embarks on board an emigrant-vessel the Emigration Agent shall pay to the Protector of Emigrants a fee of such amount as the Governor General in Council, by notification in the Gazette of India, prescribes:
- Provided as follows:—
- (a) the fee payable under this section shall not be more than is, in the opinion of the Governor General in Council, sufficient to raise the total income from fees under this Act to an amount which will cover the cost of any establishment or supervision which the Governor General in Council thinks necessary to provide for the control of emigration;
- (b) if it appears to the Governor General in Council expedient to provide, in the case of any country, any special establishment or expenditure for the protection of Indian emigrants to that country, the Governor General in Council may increase the fee payable in the case of emigrants to that country to an amount sufficient, in his opinion, to cover the cost of the special establishment or expenditure.
- 73.] 69. Every master licensed under this Act shall see that all the provisions of this Act and the rules made under this Act are observed on board his vessel during the voyage from British India to the country to which the emigrants are to be conveyed.
- 74.] 70. The master shall return his pass to each emigrant before he disembarks in the country to which he has agreed to emigrate.
- 75.] *Special Provisions as to Vessels sailing from Calcutta.*
- 76.] 71. The master of every vessel carrying emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the emigrants as have first embarked.
- 77.] 72. Every sailing-vessel leaving the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a steamer declared to be competent by such officer as the Local Government appoints in this behalf.
- 78.] 73. (1) Where an emigrant-vessel leaves the port of Calcutta, if during her passage down the river, and while between Garden Reach and Diamond Harbour, the disease of measles, scarlet-fever or small-pox appears on board, the master shall, if so required by the

* *The Indian Emigration Bill.*

(Chapter X.—Embarkation and Departure. Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes.)

surgeon in charge of the emigrants, send to the hospital at Diamond Harbour all emigrants suffering from the disease, with any emigrants registered as their dependents and any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of any such emigrant and who wishes to accompany him or her, and shall at once inform the Protector of Emigrants at Calcutta of the number and names of the emigrants so sent to hospital.

(2) The provisions of sections 46, 47 and 49 shall, so far as may be, apply to emigrants landed under this section, and to the recovery of expenses incurred in respect of them.

[b-79.] 74. (1) In the event of cholera in an epidemic form appearing among the emigrants on board any such vessel carrying emigrants from the port of Calcutta, the surgeon in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

Power of surgeon of emigrant-vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

(2) The master shall at once comply with the request of the surgeon, and shall immediately give notice of his having done so to the Protector of Emigrants at Calcutta, who shall take such action thereon as the Governor General in Council, by rules made under this Act, prescribes.

CHAPTER XI.

[See Act X of 1902, s. 6.] **DEPARTURE OF NATIVES OF INDIA BY SEA OUT OF INDIA FOR CERTAIN PURPOSES.**

[ss. 107, 110 A (1).] 75. (1) Whoever desires to engage any Native of India to depart by sea out of India for the purpose—

Application for permission to engage Natives of India to depart abroad for certain purposes.

- (a) of working as an artisan, or
- (b) of any exhibition or entertainment, or
- (c) of service in any restaurant, tea-house or other place of public resort, or,
- (d) save as provided in sub-section (2), of domestic service,

in any place beyond the limits of India other than the Island of Ceylon or the Straits Settlements, shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart, and shall state in his application—

- (i) the number of the persons whom he proposes so to engage;
- (ii) the place or places beyond the limits of India to which such persons and their dependents are to proceed;
- (iii) the accommodation to be provided for such persons and their dependents until their departure out of India and during the voyage;
- (iv) the provision to be made for the health and well-being of such persons and their dependents during the period of the proposed engagement, and for their repatriation at the end of such period;

(v) the terms of the agreements under which such persons are to be engaged; and

(vi) the security in British India which he proposes to furnish for the due observance of such agreements and for the proper treatment of the persons to be engaged and their dependents.

(2) Nothing in sub-section (1) shall be deemed to apply to any person who in good faith—

(a) engages a Native of India to accompany him out of India as his personal domestic servant, or

(b) engages in compliance with the request of some other person, not being in India, a Native of India to depart out of India for the purpose of becoming the personal domestic servant of such other person.

Explanation.—For the purposes of this Chapter—

(i) the word "port" shall mean a port from which emigration is lawful, or any port which the Governor General in Council, by notification in the Gazette of India, notifies in this behalf; and

(ii) the words "emigrant" and "emigrate" in the definition of "dependent" in section 2, sub-section (1), clause (i), shall be read as referring to the departure by sea out of India of a person whom it is desired to engage under this Chapter.

76. On receiving an application under section 75 the Local Government may, after such inquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final.

77. (1) Before any Native of India departs from India in accordance with permission granted under section 76, the person by whom he has been engaged shall appear before the Protector of Emigrants at the port of embarkation with such Native of India and with any persons intending to accompany him as his dependents.

(2) If it appears to the Protector of Emigrants—

- (a) that permission to engage such Native of India has been duly obtained,
- (b) that the terms of the agreement under which such Native of India has been engaged are in accordance with the terms of the permission granted, and
- (c) that the conditions on which such permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning such Native of India and his dependents (if any) and concerning the person engaging him in such form as the Governor General in Council, by rules made under this Act, prescribes.

The Indian Emigration Bill.

(Chapter XI.—Departure of Natives of India by Sea out of India for certain purposes. Chapter XII.—Rules.)

[s. 110.] 78. Where such security as is referred to in section 75, sub-section (1), sub-clause (vi), has been furnished, the Local Government may, after such inquiry as may be necessary, pass orders in regard to the forfeiture of the security and the application of the same or of any part thereof, or may order the return of the security or of any part thereof to the person by whom it was furnished, or to his representative.

[s. 112.] 79. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive or dispose of applications made under this Chapter :

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

[s. 112 A (2).] 80. For the purposes of the application of this Chapter at any port notified under clause (i) of the explanation to section 75—

Application of Chapter to ports from which emigration is not lawful.

(a) such port shall be deemed to be a port from which emigration is lawful, and

(b) such officer as the Local Government may appoint in this behalf shall be deemed to be the Protector of Emigrants.

CHAPTER XII.

RULES.

[ss. 80, 81 (4) 113 (2).] 81. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act—

Act—

[See Act of 1906, sec. 6.]

(a) to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases ;

(b) to provide for the supervision and regulation of places of accommodation provided under this Act, and to define the classes of Magistrates and the officers of Police to be authorized to visit and inspect those places ;

(c) to prescribe the form of the register required under this Act, and the particulars to be entered therein, and to regulate the control to be exercised over Registering Officers by the District Magistrate or officer (if any) appointed in this behalf under this Act ;

(d) to prescribe the forms of the agreements to be made under this Act, and the particulars to be contained therein, and the language or languages in which agreements must be expressed ;

(e) to prescribe the conditions on which licenses for the establishment of depôts under this Act may be

given, to provide for the supervision and regulation of depôts, and for the medical care of the emigrants during their residence there, and the measures to be taken on the outbreak of any epidemic or infectious disease there ;

(f) to prescribe the forms to be supplied by Emigration Agents and recruiters for the purposes of this Act ;

(g) to prescribe the particulars which the owner or master of a vessel applying for a license to carry emigrants in his vessel must state ;

(h) to regulate the proportion of women to be ordinarily carried in any emigrant-vessel with male emigrants, and to prescribe the arrangements to be made for the separation of women (married or single) and children from the other emigrants on board an emigrant-vessel ;

(i) to prescribe the description, quantity and quality of provisions, fuel and water to be taken by emigrant-vessels, the daily allowance of food and water to be issued, and the nature and amount of clothing to be supplied to each emigrant during the voyage ;

(j) to fix the number of the compounders, interpreters and attendants subordinate to the surgeon to be carried for the care of the sick or weakly on board each emigrant-vessel ;

(k) to prescribe the nature, quantity and quality of medicines and other stores to be carried on board emigrant-vessels ;

(l) to provide for the ventilation and cleanliness of every emigrant-vessel during a voyage, and for its being furnished with a sufficient number of life-buoys, boats, water-buckets and other appliances to be used in case of shipwreck or fire ;

(m) to prescribe the seasons at which alone emigrant-vessels or specified classes of emigrant-vessels may sail from any port in British India to any country west of the Cape of Good Hope to which emigration is for the time being lawful ;

(n) to provide for the disposal of emigrants who may be landed under section 74 ;

(o) to provide for the medical care of the emigrants on the voyage, and to provide for the measures to be taken on the outbreak of any epidemic or infectious disease on a voyage ;

(p) to provide for a journal being kept by the surgeon of every emigrant-vessel, recording the health of the emigrants, and his treatment of the sick, with full explanation of the causes of every death ; and to define the duties and powers of the surgeon in respect of the emigrants committed to his care ;

(q) to define and regulate the powers and duties of the several officers appointed by the Government under this Act ;

*The Indian Emigration Bill.**(Chapter XIII.—Offences.)*

(r) generally to provide for the security, well-being and protection of emigrants; and

[a. 113 (1).] (s) to carry into effect the provisions of Chapter XI:

Provided that the Local Government may, in special cases, notwithstanding anything contained in rules made under clause (h) of this section, permit an emigrant-vessel to sail, though it does not carry the proportion of women required to be carried in ordinary cases.

[cf. s. 31.] (2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

CHAPTER XIII.

OFFENCES.

[a. 82.] 82. (1) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

(a) makes, or attempts to make, any agreement with any Native of India, purporting to bind him to emigrate, or

(b) in consideration of any hire or reward, induces, or attempts to induce, any Native of India to leave any place for the purpose of emigrating, or otherwise acts or is employed as a recruiter of emigrants, or

(c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Act or the rules made under this Act, any person with a view to his being registered as an emigrant, or after his registration as an emigrant and before his departure for the depôt at the port of embarkation,

shall be punishable with fine which may extend to five hundred rupees.

(2) If any person, other than a recruiter licensed under this Act, commits an offence under this section, any Police-officer may arrest him without warrant.

[a. 83.] 83. Whoever, being a recruiter licensed under this Act,—

Recruiters removing un-registered emigrants to depôt.

(a) before any intending emigrant has been registered under this Act as an emigrant,—

(i) removes or attempts to remove him to a depôt, or,

(ii) induces, or attempts to induce, him to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or

(iii) aids, or attempts to aid, him in leaving any such local limits or going to any depôt, or

(b) fails to give a true copy of the statement with which he is provided under section 22 to any person whom he invites to emigrate, or

(c) fails to provide any emigrant whom he has engaged, and who has been registered at a place beyond the limits of the port of embarkation, with suitable lodging and food, or otherwise ill-treats any emigrant on his journey to the depôt,

shall be punishable with fine which may extend to five hundred rupees.

84. Whoever, by means of intoxication, [a. 84.]
Fraudulently inducing coercion or fraud, causes, Native to emigrate. or induces, or attempts to

cause or induce, any Native of India to emigrate, or to enter into any agreement to emigrate, or to leave any place with a view to emigrating, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

False representation of Government authority. 85. Whoever,— [a. 85.]

(a) without lawful authority, issues any written order to the Police to assist himself or any other person to procure emigrants, or

(b) falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Receiving emigrants on board vessel in contravention of Act. 86. Any master of a vessel who— [a. 86.]

(a) knowingly receives on board his vessel any emigrant who has not complied with the provisions of this Act or the rules made under this Act, so far as they are binding on him, or,

(b) not being licensed under this Act, knowingly receives any emigrant on board his vessel, or,

(c) being licensed under this Act, knowingly receives on board his vessel any emigrant in excess of the number specified in his license,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees for each emigrant so received, or with both; and the vessel, her tackle, apparel and furniture, may be declared by the Court before which the master is tried to be forfeited to His Majesty.

87. Any master licensed under this Act who [a. 87.]
Fraudulent acts on part fraudulently does, or of master. suffers to be done, any

act or thing whereby the license becomes inapplicable to the altered state of the vessel or other matter to which the license relates, shall be punishable with fine which may extend to five thousand rupees,

and he may also be sued on any bond which he may have executed under section 58.

88. Any master of an emigrant-vessel who clears, [a. 88.]
Clearance without compliance with Act. or attempts to clear, his vessel outwards when any of the provisions of section 53, 55 or 56 have

*The Indian Emigration Bill.**(Chapter XIII.—Offences.)*

not been complied with in respect of his vessel, shall be punishable with fine which may extend to four thousand rupees.

- [s. 89.] 89. Any master *who* receives on board his vessel any emigrants and fails to comply with the requirements of sections 62, 63 and 64 in respect of those emigrants, shall be punishable with fine which may extend to two hundred rupees for each emigrant so received on board.

- [s. 90.] 90. Any master *who*, having cleared his vessel, takes on board any emigrant not entered in the list mentioned in section 62 or not furnished with a pass required by that section, shall be punishable with fine which may extend to two hundred rupees for each emigrant so taken.

- [s. 91.] 91. Any master *who* lands any emigrant in any country other than the country for which he has been shipped by the Emigration Agent, shall be punishable for every emigrant so landed with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, unless the landing has been caused by stress of weather or unavoidable accident or has taken place under the provisions of section 73 or 74.

- [s. 92.] 92. Any master, of a sailing-vessel leaving the port of Calcutta with emigrants on board *who*—

- (a) does not leave Garden Reach with his vessel within the time prescribed in section 71, or,
(b) without reasonable excuse, causes or allows his vessel to go below Garden Reach without being in tow of such a steamer as is referred to in section 72,
shall be punishable with fine which may extend to one thousand rupees.

- [s. 93.] 93. (1) Any emigrant *who*—

- (a) deserts before arrival at depôt, or
(b) refuses without reasonable cause to proceed to the depôt,
shall be punishable with fine which may extend to twenty rupees, or to the cost incurred in entering into an agreement with, registering and conveying him to the depôt, whichever is greater, and, in default of payment of the fine, with imprisonment which may extend to one month.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

- [s. 94.] 94. (1) Any emigrant *who*—

- (a) deserts from the depôt, or
(b) without reasonable cause, refuses or neglects to embark when called upon to do so by the Emigration Agent,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or to double the amount of the cost incurred in entering into an agreement with, registering and conveying him to the depôt, and maintaining him therein, or with both.

(2) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

- [s. 95.] 95. Any person *who* causes, or any master *who* knowingly permits, any emigrant to embark contrary to the provisions of section 59, shall be punishable with fine which may extend to two hundred rupees for each emigrant so embarked.

Offences against provisions of Chapter XI. 96. Whoever,—

- (a) without having first obtained the permission of the Local Government referred to in section 75, sub-section (1), enters or attempts to enter into an agreement purporting to bind any Native of India to depart by sea out of India for any of the purposes specified in the said sub-section, or

- (b) causes any Native of India engaged by him for any such purpose as aforesaid to depart from any port which is not a port from which emigration is lawful, or which has not been notified under clause (i) of the explanation to section 75, or

- (c) causes any Native of India engaged by him, after grant of the permission referred to in section 76, to depart by sea out of India without registration of the particulars required by section 77, sub-section (2),

shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred and fifty rupees for each Native of India in respect of whom the offence is committed.

97. Prosecutions under sections 86 to 96 (both inclusive) shall not be instituted except as follows, namely:—

- (a) prosecutions under sections 86 to 92, both inclusive, by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government;
(b) prosecutions under section 93, by or with the sanction of a Magistrate or Registering Officer or of the Protector of Emigrants at the port of embarkation;
(c) prosecutions under section 94, by the Emigration Agent with the sanction of the Protector;
(d) prosecutions under sections 95 and 96 by the Protector of Emigrants or by an officer appointed for the purpose by the Local Government.

98. The following shall be good defences to charges under sections 93 and 94, respectively, namely:—

*The Indian Emigration Bill.**(Chapter XIII.—Offences. Chapter XIV.—Supplemental.)*

- (a) to a charge under section 93, that the accused person or other emigrants accompanying him has or have been ill-treated, deceived or defrauded by the recruiter or any person under his control;
- (b) to a charge under section 94, that the emigrant has suffered any ill-treatment or neglect in the depot or on the journey thither.

[s. 98.] 99. All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

Power for Customs-officers to search and detain for purposes of Act.

CHAPTER XIV.

SUPPLEMENTAL.

[s. 99.] 100. The Local Government may appoint any person to perform with in a specified area the functions of a Magistrate under this Act.

Power for Local Government to appoint Magistrate for purposes of Act.

[s. 100.] 101. (1) Where an Emigration Agent is chargeable with a breach of any duty to an emigrant arising from any agreement with the emigrant or imposed by this Act or the rules made under this Act, the Protector of Emigrants may, if he thinks fit, institute a suit on behalf of the emigrant against the Emigration Agent for the recovery of compensation for the breach.

Suits against Emigration Agent for breach of duty.

(2) In awarding compensation under this section all sums ordered to be paid under section 46 or section 48 shall be taken into consideration.

[s. 101.] 102. (1) The Governor General in Council may, by notification in the Gazette of India, determine what shall be held to be, for the purposes of this Act, the probable length of the voyages by sailing vessels and vessels using steam power, respectively, from any port from which, to any country to which, emigration is for the time being lawful.

Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.

(2) Until otherwise determined under this section, the probable length of the voyage by sailing-vessels from the ports mentioned in the third schedule to the countries mentioned in that schedule, shall be deemed to be the lengths stated in that schedule.

[s. 102.] 103. On and from such a date as the Governor General in Council may, by notification in the Gazette of India, have fixed or may hereafter, by like notification, fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any country for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India departing by sea out of British India under an

[s. 102:]
Act XVIII
of 1890, s. 2;
Act VI of
1897, s. 2.]

Provision supplementary to section 2, sub-section (1) (iv), of this Act.

agreement to labour for hire in any such State or country shall not, so long as the notification continues to apply to the State or country, be deemed to emigrate within the meaning of this Act.

Application of Act to emigration from British ports to French and Dutch Colonies.

104. The provisions of this Act shall apply to emigration from British Indian ports—

(a) to the French colonies, under the terms of the Convention executed at Paris on the first day of July 1861, and ratified at the same place on the thirtieth day of July 1861, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French; and

(b) to the Netherlands colony of Dutch Guiana under the terms of the Convention executed at The Hague on the eighth day of September 1870, and ratified at the same place on the seventeenth day of February 1872, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Netherlands:

Provided that the provisions of this Act shall not apply to the French colonies, or any one of them, until a notification under section 4, sub-section (1), has been issued in respect of such colonies or colony:

Provided also that, in any case in which there is any conflict between the provisions of this Act and those contained in either of those Conventions, the latter shall prevail.

105. The provisions of this Act shall, so far as they relate to proceedings which are to be conducted in British India, apply, in the case of Natives of India who depart by sea from a French port in India under an agreement to labour for hire in a French colony, under the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French referred to in the last foregoing section as if such Natives were emigrants within the meaning of this Act:

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in that Convention, the latter shall prevail.

106. (1) The departure by land out of British India of a Native of India under, or with a view to entering into, an agreement to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited:

Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.

India of a Native of India under, or with a view to entering into, an agreement to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited:

Provided that nothing in this section applies to the departure by land of a Native of India for the purpose of departing by sea from a French port in India under an agreement to labour for hire in a French colony in accordance with the Convention referred to in section 104, clause (a), and section 105.

[s. 104]

[s. 105]

[s. 106]

[Act of 1897, s. 2.]

(The Second Schedule.—Form of Recruiter's License.)

Protector of Emigrants.

Descriptive Roll.

subject to such conditions, modifications or restrictions as to the Governor General in Council may seem expedient, in the case of Natives of India departing out of British India under an agreement made with, or on behalf of, His Majesty's Government to labour for hire in any country beyond the sea :

[illegible]

To Natal	...	Ten weeks.
To Fiji	...	Seventeen weeks.

*The Indian Emigration Bill.**(The Fourth Schedule.—Enactments repealed.)*

THE FOURTH SCHEDULE.				THE FOURTH SCHEDULES.— <i>contd.</i>			
(See section 110.)							
ENACTMENTS REPEALED.							
1	2	3	4	1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.	Year.	No.	Subject or short title.	Extent of repeal.
1883	XXI	The Indian Emigration Act, 1883.	So much as has not been repealed.	1897	VII	The Indian Emigration Act Amendment Act, 1897.	Ditto.
1890	XVIII	The Indian Emigration Act (1883) Amendment Act, 1890.	The whole.	1902	X	The Indian Emigration (Amendment) Act, 1902.	Ditto.
1896	I	The Indian Emigration Act (1883) Amendment Act, 1896.	Ditto.	1904	XII	The Indian Emigration (Amendment) Act, 1904.	Ditto.
				1908		The Indian Emigration (Amendment) Act, 1908.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

1. THIS is a pure consolidating Bill. The provisions as to emigration are now scattered about in six Acts to which will be added a seventh when the Bill for the further amendment of the Indian Emigration Act, 1883, now before Council, is passed. The object of the present Bill is to collect these provisions and to incorporate them in one Act. The result will be that the law will be more easily ascertainable and that one Act will take the place of seven on the Statute-book.

2. The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. Chapter XIV of the Indian Emigration Act, 1883, was added by Act X of 1902; the provisions of this Chapter with the exception of section 111 have been removed to their proper place and form Chapter XI of the Bill; section 111, which relates to offences, has been placed in Chapter XIII. The saving and repealing clauses are placed at the end.

3. No amendment has been made in the existing Act except on the points to which reference is made in the *Notes on Clauses* below.

4. A table showing the disposal of the sections of the Act of 1883 and the amending Acts is appended.

The 29th July 1908.

H. ERLE RICHARDS.

Notes on Clauses.

Clause 3 (1).—Karachi has been added as emigration from it has been declared to be lawful by notification under section 7 (1).

Clause 104 and the First Schedule.—Emigration to the French Colonies mentioned in paragraph 11 of the Schedule has been prohibited by notifications issued by the Governor General in Council; emigration to those places is not at present lawful and they have therefore been removed from the schedule. As, however, emigration to those places may again be made lawful by the issue of a notification under clause 4 (1), sub-clause (a) of section 103, which applies the provisions of the Act to emigration from British ports to French Colonies, has been retained as clause 104 (a) with a proviso that it is to take effect only in the event of such a notification being issued.

First Schedule.—The Seychelles has been added to paragraph 1; emigration to it has been declared lawful by a notification issued under section 8 (1) of the Act.

Third Schedule.—References to the French Colonies have been removed as emigration to those places is, as above explained, not at present lawful.

The probable lengths of voyages by sailing vessels to some of the places mentioned in the schedule have been altered and the length of voyages to the Seychelles has been declared, by notifications issued under section 101 of the Act. The schedule has been amended accordingly.

Table showing disposal of Sections of Act XXI of 1883, and of the amending Acts.

Section.	Clause of the Bill.	REMARKS.
Act XXI of 1883—		
1	1	
2	108	
3	Omitted	... Unnecessary as the consolidating Act will come into force at once.
4	Cf. 110	
5	109	
6	2 (1)	
6A	2 (2)	
7 (1)	3 (1)	
7 (2)	Omitted	... See General Clauses Act, 1897, section 21.
7 (3)	3 (2)	
8	4	
9	5	
10	6	
11	7	
12 (1)	8	
12 (2)	Omitted	... Ditto ditto.
13	9	
14	10	
15	11	
16 (1) and (2)	12 (1) and (2)	
16 (3)	Omitted	... See General Clauses Act, 1897, section 16.
16 (4)	12 (3)	
17	13	
18	14	
19	15	
20	16	
21	17	
22	18	
23	19	
24	20	
25	21	
26	22	
27	23	
28	24	
29	25	
30	26	
31	27	

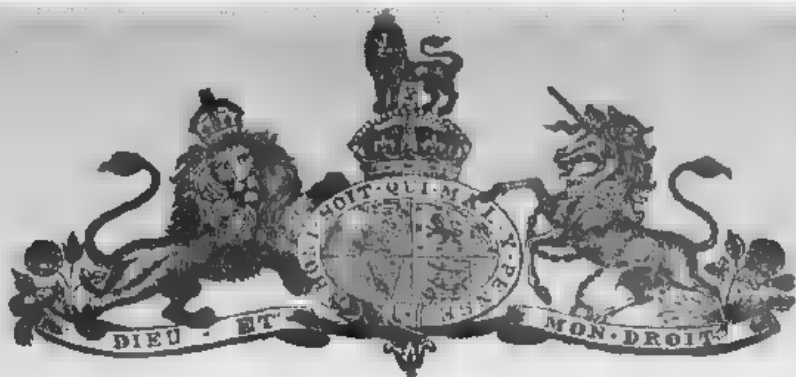
Section.	Clause of the Bill.	REMARKS.
32	28	
33	29	
34	30	
35	31	
36	32	
37	33	
38	34	
39	35	
40	36	
41	37	
42	38	
43	39	
44	40	
45	41	
46	42	
47	43	
48	44	
49	45	
50	46	
51	47	
52	48	
53	49	
54	50	
55	51	
56	52	
57	53	
58	54	
59	55	
60	56	
61	57	
62	58	
63	59	
64	60	
65	61	
66	62	
67	63	
68	64	
69	65	
70	Omitted	Repealed by Act XVIII of 1890.
71	66	
72	67	

Section.	Clause of the Bill.	Remarks.
73	68	
74	69	
75	70	
76	71	
77	72	
78	73	
79	74	
80 (1)	81 (1) (a) to (g) and proviso	
80 (2)	Omitted	See General Clauses Act, 1897, section 14.
81 (1) (2) (3)	Cf. 81 (2)	Ditto ditto, section 23.
81 (4)	Cf. 81 (1), first paragraph, added words.	Ditto ditto, section 23 (5).
82 to 95	82 to 95	
96	97	
97	98	
98	99	
99	100	
100	101	
101	102	
102 (1)	103	
102 (2)	Omitted	See General Clauses Act, 1897, section 21.
103	Cf. 104	
104	105	
105	106	
106	107	
107	75	
108	76	
109	77	
110	78	
111 (1)	96	
111 (2)	See 97 (d)	
112	79	
112 A (1)	75, expl. (1)	
112 A (2)	80	
113	81 (1), (2); 81 (2)	
Schedules of Act.	Schedules of Bill.	
I, II, III	I, II, III	

Sections.	Clause of the Bill.	REMARKS.
Act XVIII of 1896—		
1	See 27 (1)	
2	" 31 (1)	
	" 31 (4)	
3	" 32	
4	" 43	
5	" 52 (1), proviso	
6	Omitted	... Repealing section 70 of Act XXI of 1883.
7	See 103	
8	Omitted	... Saving certain Notifications. See General Clauses Act, 1897 section 24.
Act I of 1896—		
1	See 106 (1)	
2	" 107	
Act VII of 1897—		
1	Omitted	... Short title and commencement.
2	See 103	
Act X of 1902—		
1	Omitted	... Short title and commencement.
2	See preamble	
3	See 2 (1) (v)	
4	See 2 (2)	
5	Omitted	... Repealing clause (a) of the proviso to section 105 of Act XXI of 1883.
6	Chapter XI and clauses 96 and 97 (a).	
Act XII of 1904—		
1	Omitted	... Short title.
2	See 76	
3	See 75, expl. (1); 80	
Act of 1908—		
1	Omitted	... Short title.
2	Do.	... Unnecessary.
3	Do.	... Repealing proviso to section 6 of Act XXI of 1883.
4	See 2 (a)	
5	See 14	
6	See 81 (1) (a)	

J. M. MACPHERSON,

Secretary to the Government of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 28.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th September, 1908 :

No. 12 of 1908.

A Bill to provide for the appointment of a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881.

WHEREAS it is expedient to appoint a Financial Commissioner for the Central Provinces and further to amend the Central Provinces Land-revenue Act, 1881 ; It is hereby enacted as follows :—

1. (r) This Act may be called the Central Provinces Financial Commissioner's Act, 1908 ; and

(s) It shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, direct.

2. (r) There shall be a Financial Commissioner for the Central Provinces.

(s) The Chief Commissioner, with the previous sanction of the Governor General in Council, shall appoint, and may suspend or remove, the Financial Commissioner.

3. The Chief Commissioner, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, assign to

the Financial Commissioner, subject to such conditions and restrictions if any, as the Chief Commissioner with the like sanction may prescribe, all or any powers or functions assigned to the Chief Commissioner or to the Chief Revenue authority or the Chief Controlling Revenue authority by any enactment for the time being in force

4. For sections 5 and 6 of the Central Provinces Land-revenue Act, 1881, the following shall be substituted, namely:—

" 5. There shall be the following classes of Revenue-officers, namely :—

the Chief Commissioner,
the Financial Commissioner,
Commissioners,
Deputy Commissioners,
Assistant Commissioners,
Tahsildars,
Naib-tahsildars.

" 6. (r) The Chief Commissioner shall, in all revenue matters, be subject to the control of the Governor General in Council.

(s) The Financial Commissioner shall be subject to the control of the Chief Commissioner.

(r) All other Revenue-officers shall be subordinate to the Chief Commissioner and the Financial Commissioner ; all Revenue-officers in a division shall be subordinate to the Commis-

sioner of the division; and all Revenue-officers in a district shall be subordinate to the Deputy Commissioner of the district.

(4) An officer in charge of a village-survey in a district which is not under settlement may be invested by the Chief Commissioner with the powers of a Revenue-officer of any class, and, when so invested, shall be subordinate to such officer or officers as the Chief Commissioner may direct."

5. In sections 17 and 25 of the said Act, after the words "Chief Commissioner", wherever they occur, the words

"or the Financial Commissioner" shall be added.

6. In sections 22, clause (c), and 23, clause (c), of the said Act, for the words "Chief Commissioner" the words

"Financial Commissioner" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

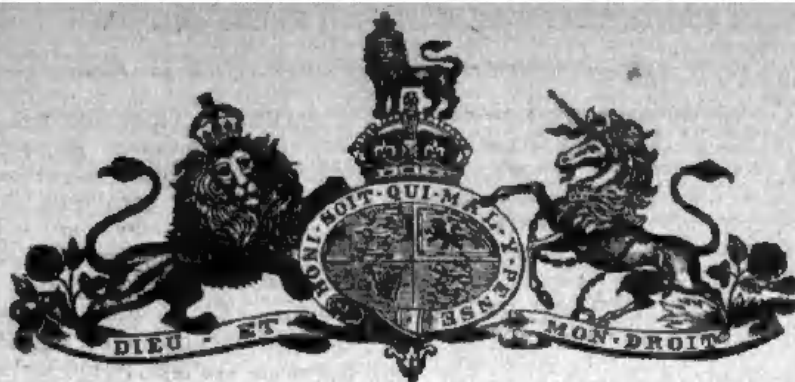
THE Chief Commissioner of the Central Provinces has hitherto carried out the duties of Chief Controlling Revenue-authority and of the highest Court of appeal in revenue matters in these provinces. These functions impose upon him a large amount of detailed work, such as does not fall on the Local Government of any other large province, and that work has of late years increased greatly owing to the development of the provinces and the bringing of Berar under the Chief Commissioner's jurisdiction. The necessity for relieving the Chief Commissioner of much of the detailed work that now devolves on him has long been recognized and the Secretary of State has now sanctioned the appointment for the Central Provinces of a Financial Commissioner, who will perform duties similar to those ordinarily carried out in other provinces by the Board of Revenue or Financial Commissioner. The object of this Bill is to provide for the creation of the appointment and to enable the Financial Commissioner to exercise such powers and functions of the Chief Commissioner as may be assigned to him by the Chief Commissioner, with the previous sanction of the Governor General in Council. The Bill also makes a few consequential amendments in the Central Provinces Land-revenue Act, 1881.

The 5th September, 1908.

J. O. MILLER.

J. M. MACPHERSON,

Secretary to the Government of India.



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PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, Reports of Select Committees presented to the Council, and Bills published under Rule 23.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th October, 1908 :

No. 13 of 1908.

A Bill further to amend the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884.

WHEREAS it is expedient further to amend the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884 ; It is hereby enacted as follows :

1. This Act may be called the Indian Steamships Law Amendment Act, 1908.

The Inland Steam-vessels Act, 1884.

2. After section 68 of the Inland Steam-vessels Act, 1884, the following shall be inserted, namely :—

"68A. The provisions of this Act shall apply to vessels propelled by electricity or other mechanical power, with such modifications as the Governor General in Council may prescribe for the purpose of adaptation."

The Indian Steamships Act, 1884.

3. For section 4 of the Indian Steamships Act, 1884, the following shall be substituted, namely :—

"4. No steamship shall carry more than twelve passengers between places in British India or to or from any place in British India from or to any place out of British India, unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed, or the service on which she is about to be employed."

4. For section 23 of the said Act the following shall be substituted, namely :—

"23. (r) When a steamship requires to be furnished with a certificate of survey under this Act and the Local Government is satisfied, by the production of a certificate of survey attested by a British Consular Officer at the port where the survey was made, that the ship has been officially surveyed at a foreign port, and that the requirements of this Act are proved by that survey to have been substantially complied with, the Local Government may, if it thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given after survey under this Act :

Provided that this sub-section shall not apply in the case of a foreign steamship to an official survey at any foreign port with respect to which His Majesty has by Order in Council directed that section 363 of the Merchant Shipping Act, 1894, shall not apply.

(2) When the Local Government has, by notification in the local official Gazette, declared that it is satisfied that an official survey at any foreign port specified in the declaration is such as to prove that the requirements of this Act have been sufficiently complied with, any person appointed by the Local Government, by name or as holding any office, may exercise the power to dispense with a survey and to give a certificate conferred on the Local Government by sub-section (1) in the case of any steamship furnished with a valid certificate of survey granted at such foreign port and duly attested by the British Consular Officer at that port.

(3) The procedure prescribed in sub-section (1) shall be applicable in the case of steamships furnished with valid certificates of partial survey, including docking certificates, granted by the Board of Trade or any British Colonial

Government, as if they were steamships furnished with like certificates of survey granted at foreign ports, subject to the modification that the powers of the Local Government under the said sub-section may be exercised by any person appointed by the Local Government, by name or as holding any office, in this behalf."

5. After section 40 of the said Act the following shall be inserted, namely:—

"41. The provisions of this Act shall apply [Cz. 1] to ships propelled by electricity or other mechanical power, with such modifications as the Governor General in Council may prescribe for the purpose of adaptation." [Vick. 743]

STATEMENT OF OBJECTS AND REASONS.

THE object of the Bill is to make provision for the survey, and for the grant of certificates to engineers, of vessels propelled by agencies other than steam, to put British and foreign ships on a footing of equality in the matter of the carriage of passengers and the holding of certificates of survey under the Indian Steamships Act, 1884, to bring vessels partially surveyed in British ports into substantially the same position as those similarly surveyed in foreign ports, and to facilitate the exercise of the powers conferred by that Act in respect of the grant of certificates of survey to ships surveyed in foreign ports.

Clauses 2 and 5, following section 743 of the Imperial Merchant Shipping Act, 1894, extend to vessels propelled by electricity or other mechanical power the provisions of the Inland Steam-vessels Act, 1884, and the Indian Steamships Act, 1884, which at present apply only to vessels propelled by steam.

Clause 3 places British and foreign steamers on the same footing in respect of the certificates of survey required when carrying more than twelve passengers. This amendment of the law is in accordance with the provisions of section 13 of the Imperial Merchant Shipping Act, 1906.

Clause 4 re-enacts and makes important additions to section 23 of the Indian Steamships Act, 1884, which at present is limited to empowering Local Governments to accept certain certificates of survey granted after official survey in foreign ports.

The new sub-section (2) proposed by this clause adds a provision enabling Local Governments to delegate their powers under the section to specially appointed officers in the case of ships holding certificates of survey granted at foreign ports regarding which they have by notification declared that they are satisfied that official surveys at such ports are such as to prove that the requirements of the Act have been sufficiently complied with.

Though the powers conferred by section 23 of the Act in respect of certificates granted at foreign ports cover certificates of partial survey and docking certificates granted at such ports, there is no power under the Act to accept such certificates when granted by the Board of Trade or any British Colonial Government. The new sub-section (3) which is further proposed by this clause abolishes this inequality between vessels partially surveyed in British ports and those similarly surveyed in foreign ports by declaring that the procedure prescribed by section 23 of the Act for the latter vessels is applicable to the former vessels also.

The 24th October, 1908.

W. L. HARVEY,

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th October, 1908:

No. 14 of 1908.

A Bill further to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1880; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1908; and

(2) Section 4 shall come into force on such date or dates as the Governor General in Council may by notification in the Gazette of India direct either generally for all foreign ships or specially for the ships belonging to any specified foreign countries. The rest of this Act shall come into force on the first day of January 1909.

2. (1) In section 3, clause (b), of the Indian Merchant Shipping Act, 1880, after the word "or" the words "to any sailing ship of less than one hundred and fifty tons register employed" shall be inserted.

(2) To the same section the following shall be added, namely:—

"The Governor General in Council may from time to time, by notification in the Gazette of India, exclude from or bring again within the operation of sections 33 to 43, inclusive, any class of steamships of less than one hundred and fifty tons register which are employed solely in plying coastwise between ports situate in India and Ceylon, and do not carry cargo."

3. In section 4 of the said Act, in the definition of "unsafe", after the word "intended" the following words shall be inserted, namely:—

"and a ship shall be deemed to be unsafe when so loaded as to submerge in smooth salt water the centre of the disc indicating the load line."

[57 & 58
Vict., c. 60,
s. 439.]

4. For section 85 of the said Act the following shall be substituted, namely:—

"85. The provisions of this Act for the prevention of the overloading and improper loading of British ships and for the marking of deck and load lines on British Indian and British ships shall, with the exception of sub-sections (2) and (3) of section 35, apply to foreign ships also when in ports of British India, unless such foreign ships, if in ports of the United Kingdom, would be entitled to the benefit of a direction of His Majesty in Council under section 445 of the Merchant Shipping Act, 1894:

Provided that nothing in this section shall apply to any foreign ship not bound to a port in British India which comes into any port in British India for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunker coal:

[57 & 58
Vict., c. 60,
s. 439.]

Provided also that in the case of the detention of a foreign ship the application of the provisions of this Act shall be subject to the following modifications, namely:—

(i) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the port in which such ship is detained;

[57 & 58
Vict., c. 60,
s. 462.]

(ii) the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Local Government under section 8 to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Local Government shall cause the ship to be detained or released accordingly; but if they differ, the Local Government may act as if the requisition had not been made, and the owner

and master shall have the like appeal to a Court of Survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and,

(iii) where the owner or master of the ship appeals to the Court of Survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Local Government."

STATEMENT OF OBJECTS AND REASONS.

THE Bill proposes certain amendments in the Indian Merchant Shipping Act, 1880.

Clause 2 withdraws the exemption from the provisions of Chapter II of the Act which is at present enjoyed by steamships of less than 150 tons register employed in plying coastwise between ports situate in India and Ceylon, but power is at the same time reserved to except from the deck and load line provisions in the Act any class of such steamships which do not carry cargo. The object of this amendment is to bring the Indian law into line with that relating to coasting vessels of less than 80 tons register as recently enacted in the Imperial Merchant Shipping Act, 1906, section 7.

Clause 3, following section 439 of the Imperial Merchant Shipping Act, 1894, provides that the submersion of her deck shall be deemed to render a ship unsafe within the meaning of the Indian Act, and consequently liable to detention.

Clause 4 is the most important clause in the Bill. Following section 1 of the Imperial Merchant Shipping Act, 1906, it widens the scope of section 85 of the Indian Act, which at present only applies the provisions of that Act as to overloading to foreign ships, by making it also apply the provisions of that Act as to deck and load lines to such ships, except when they come into port under stress of weather, when they are exempted, as in the case of similar ships in the United Kingdom under section 5 of the Imperial Act. It further applies the procedure prescribed by section 462 of the Imperial Merchant Shipping Act, 1894, for the detention of foreign ships to cases in which such ships are detained under the Indian Act.

The 24th October 1908.

W. L. HARVEY.

J. M. MACPHERSON,
Secretary to the Government of India.